

CAMDEN PLANNING BOARD
MINUTES OF MEETING
February 2, 2012

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Members Sid Lindsley and Nancy McConnell; Don White, Select Board Liaison to the Planning Board; and CEO Steve Wilson

The Meeting was called to order at 5:00 pm.

1. PUBLIC COMMENT on NON-AGENDA ITEMS:

No one came forward.

2. MINUTES

January 19, 2012:

For the sake of a consistent record, through-out this set of Minutes the term Comprehensive Plan Commission will be changed to Comprehensive Plan Committee.

Page 2:

Line 6: "Mr. Householder has prepared a written proposal to create the ~~Commission~~ Committee as ~~proposed~~ discussed. The Planning Board reviewed and approved the proposal, and Mr. Householder will email this to the Town Manager and ask that the item be placed on the agenda for a decision by the full Select Board at their meeting on February 7."

Line 32: Now reads: "...the makeup of the Committee can be reassessed as the work actually begins, and the Committee can consider then whether or not it is necessary or appropriate to make a recommendation to expand the core group. In considering whether or not to expand the group, they should not lightly disregard Mr. Lindsley's caution."

Line 42: The hyphen was deleted between the words two-years.

Page 3:

Line 13: Now reads: "...inquiries from food truck owners asking for permission to set up in Town."

Line 44: Now reads: "He does not believe that saying these vendors will take away business from established stores is an argument that can be used against them; no one knows if that would happen or not. It is also not relevant because the Board can't act to protect existing businesses; if an ice cream vendor wanted to go into a storefront they couldn't keep him out just because it means competition for existing businesses. The difference is there are different issues to address."

.

Page 4: Line 3: "...a permit fee that ~~if~~ is steep enough..."

Page 5:

Line 31: "...they would ~~like~~ likely take advantage..."

Line 43: Now reads: "charities and causes; thousands of dollars are given in the form of gift certificates and other donations each year."

Page 7: Line 48: The word "estoppel" had been misspelled."

Page 8: Line 13: The word “being” was changed to the word “begin”.
MOTION by Mr. Householder seconded by Ms. MacKinnon to approve the Minutes of January 19, 2012 as amended.
VOTE: 7-0-0

3. SITE PLAN REVIEW PREAPPLICATION MEETING: Residential Pier

William Kirill: Map 127 Lot 4-1: Coastal Residential District (CR): 156 Sherman’s Point Road

The property owner was represented by Matt Tibbetts standing in for the Applicant, his father Art Tibbetts, a Marine Contractor. Tibbetts submitted plans for a 40’ x 4’ residential pier off the inside outer harbor side of Sherman’s Point with a 20’ approach from land. There will also be a seasonal 45’ ramp leading to a 12’ x 24’ SF seasonal float; the entire system has been planned around Camden’s Ordinances and all other required permits have been obtained. They have modified the plan as originally submitted to further comply: the gallows – the two piers at the end – have been cut back and will now be 3’ above high water. In addition, the approach ramp, which cannot be fixed to the shoreline more than 6’ above high water, will come in straight instead of ramping up to the land side, and people will have to jump down onto the approach ramp from shore.

The CEO showed the Board photos of the proposed site that illustrate the situation, and several drawings that show the proposed design with changes.

→ Mr. Lindsley requested that the Applicant submit one Plan that includes all the components that are now submitted as individual drawings – Exhibits A (SV1), B and C, and the location map (Page 1 of 5); the entire proposal should be shown on one large Plan.

In addition to being easier to review, this lessens the chance that design components submitted separately will get separated from the Approved Plan sometime in the future.

Mr. Householder asked what will be done to keep boats from running into the float that is about 95’ out into Sherman’s Cove; there is a lot of night traffic in the area – will there be reflective strips or some other warning? Mr. Tibbetts replied that the dock will stop at low water; it will only be the ramp and float that project into the Cove about 45’ - 50’.

The closest mooring, according to Mr. Tibbetts, is about 200’ away and that belongs to the owners. He doesn’t believe many boats will be coming inside the area between the end of the float and the shore because it is too close to shore. Mr. Householder says he thinks there should be something that makes sure the float can be seen. Mr. Lindsley noted that they should be more concerned with where other moorings are located, but that this is not the Planning Board’s issue; this part of the review is done by the Harbor Committee, and they did not take this up at this morning’s meeting. The Chair agreed that this was not for the Board to say, but that often the Planning Board will offer ideas for Applicants to consider even if the item is not an actual requirement.

Mr. Sargent asked Mr. Wilson if the pier railings had to satisfy MUBEC design requirements for railing heights and balusters; Mr. Wilson believes piers have been excluded from compliance. Mr. Sargent asked about an entry on the Plan: a line labeled utilities is obviously a mislabeled survey line – probably a high-water setback line - and that needs to be

1 corrected; the legend is incorrect as well in this regard. Mr. Tibbetts asked if the utility line
2 would have to be shown on the Plan if it was not part of the pier project, and Mr. Sargent
3 suggested that not including required information requires a Waiver of the submission. He
4 suggested Mr. Tibbetts should look at the requirements and determine if they want to submit
5 any waivers.

6
7 Mr. Wilson confirmed that the mislabeled line was the 75' setback line.

8 → The legend entry regarding the 75' set-back line needs to be corrected.
9

10 Mr. Lindsley asked Mr. Wilson where the next closest pier was; he replied that it was
11 around the point about 1000' away. Mr. Lindsley noted the Plan shows the pier is 150' from
12 the McCabe property and 137' from the other property line; because there is a 300' setback
13 from pier to pier, this pier coming out into the harbor at this location will preclude these
14 property owners from ever being able to have a pier in the future. He wonders if there is a way
15 that this pier could be longer and situated so that so other properties are not impacted. Mr.
16 Wilson noted that the neighboring Langhorn property is probably precluded from having a pier
17 because of the proximity of protected shorebird habitat along that shorefront. Mr. Wilson
18 couldn't say whether or not there would be anywhere on the McCabe property where there
19 would a possible location for a pier once the Kirill pier is built; it would depend on setback
20 requirements from the neighbor's pier around the point.

21
22 Ms. MacKinnon asked Mr. Lindsley how the Harbor Ordinance came to be worded this
23 way, and Mr. Lindsley replied that the drafters wanted to keep piers from protruding into the
24 harbor everywhere so they added this setback. Mr. Householder asked if abutters have been
25 notified, and Mr. Wilson replied they have received multiple notifications; part of the process
26 for other permits requires notification, and the Town notified them about this Application for
27 Site Plan Review.

28
29 Mr. MacLean asked Mr. Lindsley what part of the Ordinance he was referring to
30 regarding the setback, and Mr. Lindsley replied it was part of the Harbor Ordinance - the Board
31 does not have copies. Mr. MacLean noted that he finds it odd that an Ordinance would allow
32 one land owner to do something that then precludes another land owner from doing the same
33 thing; others agreed. Mr. Lindsley added that to compensate for this, a provision was added
34 that would allow three landowners to go together to build one consolidated pier and it would be
35 allowed to be longer than a single-owner pier.

36
37 Ms. McConnel mentioned that in the past there was an effort to draft ordinances in
38 South Carolina that would allow every shoreland landowner to have a pier; now people are
39 wishing this had not happened because there has been a proliferation of piers and docks one
40 after the other. Some places are moving away from this now and allowing only so many piers
41 per so many feet along the shore. This is being done in part to protect the water quality, but
42 also to improve the appearance from the water.

43
44 Mr. Wilson read from the Harbor Ordinances regarding standards for piers that the
45 Harbor Committee uses in conducting reviews. Mr. Sargent asked how long the McCabe
46 house has been there, and Mr. Wilson replied that the McCabe house is an old seasonal cottage;
47 the Kirills purchased part of the original McCabe property after it was divided by Court Order.
48 Mr. Sargent noted that the McCabes had never applied for a pier permit, and Mr. Wilson noted

1 that the shoreline right there is pretty rocky and may not be suitable for a pier. The people
2 around the point from the McCabes built a breakwater to protect their pier from storms, and
3 that is the only reason they have a pier on the point.
4

5 Mr. MacLean noted that the Board's Ordinance requires that they receive comments
6 from the Harbor Committee on pier applications; he is not sure how those comments will be
7 obtained, whether it will be in writing or as testimony; the Board can discuss that when they
8 reach that point in the review. The Board has no jurisdiction over the standards to be reviewed
9 by the Harbor Committee, and they must rely on the Harbor Committee to conduct a thorough
10 review – one that the Planning Board can rely on as showing that the Application met the
11 requirements of the Harbor Ordinance; that is the level of information that he is looking for
12 from the Committee.
13

14 Mr. Lindsley informed the Board that the Harbor Committee voted 5-0 at their morning
15 meeting to pass the Kirill pier along to the Board of Selectmen recommending approval. Mr.
16 Wilson asked if approved minutes of this morning's meeting would suffice, or did the Board
17 want something more specific in writing. The Chair replied, that not having seen the Minutes,
18 he couldn't say if they would satisfy the Ordinance requirement or not. He thinks the Planning
19 Board needs to see something that reflects that the Harbor Committee actually went through
20 the Harbor Ordinance in a review process that satisfied them that the pier meets the
21 requirements of the Harbor Ordinance; it may be that the Minutes would serve that purpose.
22

23 The Chair also noted that the Site Plan Ordinance gives the Board the option to ask for
24 opinions from the Conservation Commission - does the Board want to ask them for an opinion?
25 The response was no, not for a pier. Ms. MacKinnon believes that the Harbor Committee is the
26 only Town entity that is relevant here.
27

28 Public Hearing: The Chair believes they have an option to hold a public hearing: the portion of
29 the Ordinance relating specifically to piers says that a Public Hearing is an option. However,
30 another part of the Ordinance which also applies here does require a Public Hearing:

31 Article XII, Section 2. Procedures (7): (For proposals to construct, enlarge, or extend
32 piers) "...the Planning Board may schedule a public hearing to obtain additional
33 information from the public.";

34 Article XII, Section 2. (5) dealing with Site Plan Applications in general says: "(a) In
35 connection with the review, the Planning Board shall hold a Public Hearing within
36 thirty (30) days after the site plan application first appears on the Planning Board
37 agenda..."

38 The Board should consider this when they make their decision.
39

40 The Board proceeded to review of the submission requirements:
41

42 The submissions consist of:
43

- 44 • An Application for Site Plan Review dated January 4, 2012
- 45 • Permission to act as owner's Agent dated April 21, 2011
- 46
- 47 • An Application Packet which includes:
- 48 • Pages 1 of 5 – Page 5 of 5 addressing submission requirements

- Exhibit A: Plan SV-1 dated April 21, 2011 titled Preliminary Conveyancing Plan
- Exhibit B: Pier Profile/Elevation – Walkway Pier System
- Exhibit C: Pier Section
- Copy of Maine DEP NRPA Permit approved, signed and dated November 30, 2011
- Proof of Army Corps Permit approval issued November 21, 2011
- Sign-off from Maine Historic Preservation Commission (MHPC) dated October 14, 2011
- Proof of Notification to the MHPC and Maine Indian Tribes dated October 13, 2011
- Site Plan: SPI: dated December 27, 2011, sealed by Randy Scanfer, PE

Submission as required by Article XII. SECTION 4.

(5) In addition to items (a), (c), (d), (l), (m), (o) and (q) in Section 3, applications for Piers, Wharves, Breakwaters and Boat Ramps shall include:

SECTION 3. SITE PLAN CONTENT:

(a) *Owner's name and address*

Submitted on Page 1 of 5.

(c) *Sketch map showing general location of the site within the Town*

Shown on Exhibit A (SV-1)

(d) *Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.*

Shown on Exhibit A (SV-1)

→ Exhibit A is title "Proposed Division": the Applicant is to submit a revision of this Plan that shows the Final Division, and it shows "Property to be retained." This language needs to be removed.

→ The Board wants to see the actual deeds along with proof that the property division is final as shown.

(l) *The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.*

Answered on Page 2 of 5:

(m) *Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.*

There is a view easement that crosses the property shown on the Site Plan; there is also a Beach Easement.

(o) *Location and type of exterior lighting.*

There is none proposed.

(q) *A signature block on the site plan, including space to record a reference to the order by which the plan is approved.*

Included on Site Plan.

SECTION 4 (5): Additional submissions required for piers, wharves, etc.

(a) *A site plan stamped and sealed by an engineer registered in the State of Maine.*
Provided as SP1.

(b) *An elevation showing the height of the pier in relation to normal high water.*
Provided as Exhibit B.

(c) *A pier section.*
Provided as Exhibit C.

(d) *A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.*
The DEP NRPA permit addresses erosion control; no soil is being disturbed and all work is to be done from the water.

(e) *A detailed plan showing how oils, greases or other contaminants will be separated and handled.*
The equipment being used will be sited on a barge; any leaks or spills will be contained there. There are no others contaminants to be handled.

(f) *Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.*
All permits have been received; information was provided with Application.

SECTION 4: SUPPLEMENTAL INFORMATION

(1) *Existing and proposed topography of the site at two foot contour intervals, or such other interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of Maine.*

Not required: The Board believes they have sufficient information to proceed in this regard.

(2) *A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:*

(a) the existing and proposed method of handling storm water runoff.

(b) the direction of flow of the runoff through the use of arrows.

(c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

- (d) engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
- (e) methods of controlling erosion and sedimentation during and after construction.

The Board believes information in the NRPA application, and the fact that there will be no soil disturbance, these issues have been sufficiently addressed.

- (3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

Not required: There are no new utilities being installed.

→ The utility line shown on SV-1 can be removed from the Plan.

- (4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

Not applicable to this project.

SITE WALK:

The Board will meet on February 16 at 4:00 pm in the area of the pier.

PUBLIC HEARING:

The Board agreed that it is in the public's interest to hold Public Hearings whenever possible, and the Chair asked the CEO to send new notices to abutters regarding the Public Hearing which will be held on February 16 at the regular Planning Board Meeting.

HARBOR COMMITTEE REVIEW:

The Chair asked the CEO to obtain comments from the Harbor Committee – the Minutes of today's meeting if possible, or a letter from the Chair – prior to the next meeting.

Mr. Lindsley noted that the Harbor Committee was not even aware of the 300' setback requirement for piers as they reviewed the Kirill pier this morning. Mr. Wilson had been in attendance, as had Will Power who is representing a resident with property across the harbor from the Kirill property; Mr. Power is attending this evening's meeting as well. The Chair also recognized Marti Cooper, who was in the audience as well, and asked if she had any comments. Ms. Cooper, an attorney, is here representing abutter Georgiana McCabe. She informed the Board that there are a number of property owners in the area who would like to be here, but they are only seasonal residents and not available this time of year. The Chair informed Ms. Cooper that the Board must act within prescribed time frames when conducting reviews, and Ms. MacKinnon noted that the Board receives comments from absentee property owners all the time. They are read and added to the record; any interested parties should forward their comments by email or letter to Mr. Wilson.

1 Mr. Lindsley reported further on the Harbor Committee review of the Kurill pier: The
2 300' setback was not discussed; the Committee conducted no formal review of the standards
3 even though Mr. Lindsley recommended that they do so. The Committee serves in an advisory
4 capacity only. But, the Select Board has to look at the Application and go through the record;
5 it is possible for them to send it back to the Harbor Committee and ask them to take a better
6 look.

7
8 The Chair wondered if the Board should invite someone from the Harbor Committee to
9 testify at the Public Hearing. Ms. MacKinnon was not comfortable putting pressure on the
10 Committee and giving the impression that the Board was trying to circumvent their process.
11 She is also uncomfortable in looking at the 300' issue and how it could impact other property
12 owners in the future. This would appear to be a first come first served situation, and they
13 should make their decision based on what exists now and what is being presented now.

14 15 16 **5. POSSIBLE ZONING AMENDMENT REQUEST:**

17
18 This item was taken out of turn to accommodate Steve Laite, the owner of a service
19 station on Union Street which is a non-conforming use in the B-1 District. Mr. Laite is back to
20 discuss the possibility of a zoning amendment that would make it possible for him to erect a
21 new building on his lot; expansions of non-conforming uses are not permitted. The CEO has
22 looked at other towns' ordinances, and discussed the issue of non-conformity with the Town
23 Attorney. Mr. Wilson has found that it is unusual when no expansion at all is prohibited – this
24 would include increasing hours of operation, foot-print, or anything else – even if the resulting
25 expansion conforms to other Ordinance space and bulk restrictions. He suggests the Board has
26 four options: 1) Make service stations a permitted use in the B-1; 2) Allow controlled
27 expansion of non-conforming uses; 3) Retain the status quo; or 4) Perhaps there is another
28 option that has not yet been discussed - something entirely different. This might be the kind of
29 request that should go before the Zoning Board of Appeals as a Special Exception; in that case
30 service stations would have to be added to the list of uses permitted in the B-1 with a Special
31 Exception permit. The Section of the Ordinance involved is:

32 Article VI, Section 6. 3. Nonconforming Uses (3) Expansion of Use: "A nonconforming use,
33 including a nonconforming outdoor use of land, shall not be extended or expanded in building area
34 or building volume, expanse of pavement, or hours of operation."

35
36 Ms. MacKinnon believes this is a straight-forward request, and that this language could be
37 easily modified to accommodate Mr. Laite's request. She believes that this request might be
38 considered an improvement instead of an expansion. Mr. Wilson replied that he would actually be
39 expanding the building area, and that is specifically prohibited; but, he would be well within what
40 would otherwise be permitted for lot coverage in this zone based other criteria. Ms. MacKinnon
41 thought the section should be stricken; she wants to find a way to accommodate Mr. Laite and
42 others where the limitation does not make sense – like John French's property, for example. Mr.
43 French wants to add an office to the front of his shop and that is not permitted; Ms. MacKinnon
44 believes these kinds of requests are reasonable and should be allowed.

45
46 Mr. Sargent believes that by striking this section they would be opening "Pandora's Box";
47 Mr. Lindsley agreed suggesting they just look at that District and see how many non-conforming
48 uses there are that would be allowed to expand. Mr. Wilson suggested that there could be
49 considerations like intensity of use, noise, ground coverage, etc; there are also other uses you may

1 not want to consider not allowing to expand – many of the B&B’s are nonconforming uses, for
2 example – do you also want to allow them to expand. Ms. MacKinnon asked why B&B’s are
3 nonconforming when the whole of Route 1 is lined with them. Mr. Sargent replied that the use was
4 made non-conforming so that no other residences could be converted to B&B’s so there would still
5 be some residences along that road and not every home would be converted. People live here, and
6 it shouldn’t be all commercial. Ms. MacKinnon asked why they should be allowed to expand, and
7 Mr. Wilson replied that there would be a point at which they could ask to become an inn with a
8 restaurant and extended hours –much more commercial in nature.
9

10 Mr. MacLean believes the issue in not allowing non-conforming uses to expand is the
11 concept that those uses should fade away if they cannot expand, and then become conforming
12 by converting to one the uses that is permitted in the District. Unless the residents of the
13 District want this change, he believes that this bar to expansion is the way to bring
14 neighborhoods around to meeting the goals for the District. It would be too much of an
15 infringement upon someone’s property rights to say they simply cannot do this anymore, but
16 the idea is that over the course of time the use will be phased out. Allowing expansion can help
17 the business become more viable, and it is likely that policy purpose of coming into conformity
18 will never be achieved.
19

20 Ms. MacKinnon finds this approach very anti-business, and Ms. McConnel agrees
21 especially when it is a change for the positive like the one Mr. Laite proposes; this change
22 would make the non-conforming use more agreeable to the uses around it. Mr. MacLean
23 agrees it is positive if you want to see the business improve the appearance, but it is negative if
24 you would rather not see the business there at all. If you would rather see it phased out because
25 it is not viable, then it is not a positive move. Mr. MacLean realizes that this is painful for
26 these property owners to hear, but that is the policy that was adopted when the use was made
27 non-conforming.
28

29 The Chair has no objection to getting public input on this request, but he cannot support
30 the change, as he sees it right now, in making a change to non-conforming uses from a policy
31 point of view. Mr. Wilson suggests there are other ways to go about this, and one would be to
32 make this use conforming in this District. If the Board feels that this zone is a good place for
33 this kind of business that might be the answer. Mr. Lindsley says that this is where the
34 Comprehensive Plan comes into play: If the Board can convince the Comprehensive Plan
35 Committee that this is a good change, and the Town agreed to make that change, there would
36 be a basis for making this use a conforming use here. But up to now he thinks that the B-1,
37 which goes up Route 1, was meant to keep the residential look. Businesses can come in but the
38 outside cannot change. It isn’t a matter of shifting a District line to bring that property into a
39 zone where the use is allowed, because they are only allowed in two very small areas near the
40 Rockport Town line – they are very restricted in this Ordinance.
41

42 Mr. Sargent wonders if there isn’t a way to make it easier to allow businesses to
43 expand, but only under certain circumstances, and perhaps under ZBA review. This overcomes
44 the situation where a couple hundred properties would be impacted by doing away with the
45 limitation altogether. Whatever change is made would have to be targeted and specifically
46 defined. Mr. Wilson suggests they can look at the Special Exception process currently
47 permitted in the B-3 and apply that here for certain uses: Article VIII Section 10. C. Uses
48 Permitted as Special Exceptions - language similar to this addressing the B-1 might work. Ms.
49 MacKinnon believes it is hard not to be too limiting because each situation is different. Mr.

1 Wilson suggested that there are ways to overcome this simply by saying they have to meet the
2 requirements for a Special Exception.

3
4 Mr. MacLean suggests that this evening they need to determine if there is a reason to go
5 forward with considering such a change. If they do, then it won't be immediate; the soonest
6 they can take a change to voters would be November. If that is the case, then they have to
7 prepare a change in time to be heard by August at the latest. There are other things they need
8 to have ready for March 1 so there is not time to do anything before that. Mr. Lindsley
9 suggested to Mr. Laite, that if he didn't want to wait for the Board to make changes he always
10 has the option of petitioning the Select Board to add the change to the Warrant instead.

11
12 The Chair suggested that there were three members suggesting that there is a way to
13 make some change, and that is enough interest to keep the item on the agenda to discuss the
14 merits of the issue; he is not one, but he does want to get feedback, and he does want to hear
15 what the Comp Plan has to say about this particular area. Does the Board want to add this to
16 their list to work on after the June Warrant items are finished?

17
18 Mr. Sargent asked Mr. Wilson if any other property owners have come in with similar
19 requests to expand nonconforming businesses; Mr. Wilson replied that he has had a few
20 inquiries, but he thinks they might have just been checking his reading of the Ordinance vs. the
21 former CEO's because he has not heard back. He has had some businesses out Mountain and
22 Washington Streets inquire about expanding; a few inns and a few prospective buyers of
23 properties going up Elm Street have inquired if they can grow or not. It has come up several
24 times for different properties.

25
26 Mr. Lindsley thinks it should be pursued to see what they hear. Mr. Householder agrees
27 with Mr. Lindsley that it is an issue that should come before the Comprehensive Plan
28 Committee, but that is a long process. He also agrees with Mr. Sargent that it could be opening
29 the Town up for all kinds of issues; however, he doesn't agree with taking this up at this time.
30 Mr. Sargent believes this is a hard issue: The real work to be done for Mr. Laite is with the
31 neighbors to get their support; for some reason there is an element in the Town that is against
32 *any* business expansion at all, and that creates a very unhealthy Town – there is no way for
33 businesses that are here that serve an obvious need to grow; the biggest work to be done for
34 Mr. Laite is going door to door to get people to be more open to changes. He looks to Mr.
35 Laite to give the Board a sense of how this might be viewed. Mr. Laite has had conversations
36 with neighbors already and had different responses: His long-time abutting residential
37 neighbors are all in favor of his proposal; Gary Fowlie, the owner of Stop-and-Go next door
38 (who is also a nonconforming use in part) is very upset. It is not so much what Mr. Laite wants
39 to do that upsets him, but what might happen with other non-conforming uses – specifically
40 McDucks' – where allowing these expansions everywhere could mean competition with his
41 business. Mr. Laite was surprised at this reaction from a long-time neighboring business. He is
42 not sure what the reaction would be by others, but he wonders if he got honest opinions that
43 people would just wish him gone to somewhere out of sight, and have the lot turned into
44 something else like a parking lot for the church. He wonders if this might not be the opinion of
45 the majority of the Town even though he performs a service that they are happy to accept; since
46 he was here last he started talking to residents and this is what he heard – it didn't sound like
47 they wanted his proposal to happen. He is not interested in opening up a can of worms for the
48 Town, and it seems as if that is what this might be. Mr. Sargent suggested that he might want

1 to find out if there is at least a fifty-fifty change that his proposal would succeed before he
2 decides to go forward: Mr. Laite says that if he had to say, based on what he has heard so far,
3 that most people wouldn't want him to make that change.

4
5 Ms. MacKinnon would like to explore the ZBA route; there should be a vehicle for situations
6 like this to give owners some way to appeal not being allowed to make changes – saying they
7 simply aren't allowed to do so shouldn't be the last word.

8
9 Ms. McConnell believes there should be a way to discuss allowing something that is there to be
10 improved.

11
12 The Chair believes there is enough interest to keep the item on the agenda. He asked the CEO
13 to put it on the agenda for the first meeting in April when they should be finished with the work
14 on items for the June Warrant.

15 16 **3. ADDITIONAL DISCUSSION: KIRILL PIER**

17
18 The Board returned from a break and resumed their discussion of the Kirill Pier Project.
19 It was brought to the Board's attention that they must consider Article X, Performance
20 Standards, Part I. Section 1, Standards in the Shoreland Overlay Area, as part of the Site Plan
21 Review process. Even though the Applicant has gone, as have the other two representatives, the
22 Chair believes the Board needs to proceed to discuss to correct the record in that there is another
23 section of the Ordinance that does apply to piers.

24
25 Article X: Part I. Section 1. (8): "In addition to Federal or State permits which may be required
26 for such structures and uses, piers, docks, wharves, breakwaters, causeways, marinas, bridges
27 over 20 feet in length, and uses projecting in water bodies shall conform to the following
28 standards: (All references to Inner Harbor, Outer Harbor, and Coastal Harbor shall mean those
29 areas as defined in the Harbor Rules and Regulations of the Town of Camden.)"

30
31 There are eight standards that must be addressed here and they mirror the standards of the
32 Harbor Ordinance including the 300' rule. The Chair was concerned that the Applicant may have
33 been misled: At the time he left, the Board had determined that the Plan was complete except for
34 a few changes and submissions, and they set a time for a Public Hearing. Finding that the Plan
35 must now comply with the Standards of Article X Section 1 (8) adds some uncertainty as to the
36 schedule for review. The Applicant should be informed of the circumstances and provided with
37 a copy of the Article. He has not had a chance to examine the Article, but it appears that the
38 Board must review those standards to provide evidence that these criteria have been met. Some
39 are items they have gone through, but in some cases it may be that the Applicant has not
40 provided information the Board will need. There is also a requirement that the Board finds that
41 the Application does not conflict with the Harbor Ordinance, which brings compliance with that
42 Ordinance into play. Mr. Lindsley believes that the Applicant has seen these requirements and
43 submitted what the Harbor Committee needed to review his Application under the same criteria.
44 The Chair noted that it is still early within the sixty-day window for review, that there is time to
45 make sure they have all the information they need to proceed.

46
47 The Chair asked Mr. Wilson to notify the Applicant, and the two representatives that had
48 identified themselves at this evening's meeting, of the fact that there was additional discussion.

4. PRIVATE WAYS:

Mr. Wilson prepared a revised proposal that attempted to address dual reviews; he wants to ensure that a Private Way would not have to be reviewed under Site Plan as well. Other changes made involved an attempt to make clear what is being changed versus what the end result will be. Mr. Wilson had reverted back to a previous proposal that includes both a Driveway and a Private Way to make it clear when review was required and when it was not; it will also remain applicable whether or not there is a use on the lot. The revision would require that any vehicular access established on a vacant lot meet private way standards.

Mr. Sargent asked if it was necessary to define vehicular access to exclude access obtained by methods like walking, snowmobiles, motorcycles, etc. Mr. Wilson suggested that any access that provides access by a car or a truck should be included. Mr. Sargent asked if in addition to establishing a maximum width for a driveway (20'), the Board should consider requiring a minimum width of perhaps 10'. If the reason for the Ordinance is to provide for emergency vehicle access, then the drive ought to be wide enough to provide that access.

The Chair suggested that they need to determine a plan of action if they are going to move this forward for June. He still finds this proposal way too confusing and believes there has to be a simpler way to do this. He asked if they added a trigger that addressed the construction of Private Ways to Site Plan, could this review be provided for in that Ordinance instead. They might, for example, establish an amount of soil disturbance involved in construction a driveway longer than 500' that would kick in Site Plan Review.

Mr. Wilson suggested that the Driveway definition reflect that a Private Way is something that is not a Driveway and does not fall either under Site Plan or Subdivision review. Mr. MacLean suggests that they find a way to include Private Ways under Site Plan Review and establish criteria for reviewing Private Ways there. Private Ways could be treated similarly to Piers and Wharves in that there is a unique set of submission requirements and review criteria within Site Plan Review; the application would not go through the entire Site Plan process – only those sections that specifically applied.

The CEO recommended scrapping the previous proposal and looking at creating a new proposal along the lines they discussed; the Board unanimously agreed.

1. *Minor Field Adjustments*: There were none
2. Sign Working Group update: This discussion was postponed.
3. 5 Pearl Street: The owner wants to convert a 3-unit apartment building to 3 condominiums. They are of the opinion that they don't have to go through Subdivision Review, and Mr. Wilson is asking the Board what they think. There is a precedent for the same situation from several years ago: exiting apartments were being individually sold as condo units, and that proposal required Subdivision Review. The reading the owner's attorneys have of the Ordinance hinges upon when the apartments were created, and they don't believe review is required. Mr. Wilson does not necessarily agree with the lawyers; he believes if the division is accomplished by sale, lease and development (or otherwise). The Chair believes it is prudent to conduct the review to make sure all the condo documents, etc. are in place, among other things.

1
2 4. *February 16 Meeting:*
3

4 Kurill Residential Pier Application: Site Plan Review
5 Start Road: Megunticook Lake Woodside Home: Site Plan
6 Private Ways
7

8 5. Other:
9

10 The Town will now start asking for nine copies of Plans so there is an extra copy for the
11 Office file and the original does not have to be used to make copies for interested parties. The
12 Ordinance calls for eight copies, but the Board suggested that the CEO simply say the request is
13 now for nine copies.
14

15 There being no further business before the Board they adjourned at 8:00 pm.
16
17

18 Respectfully submitted,
19 Jeanne Hollingsworth, Recording Secretary